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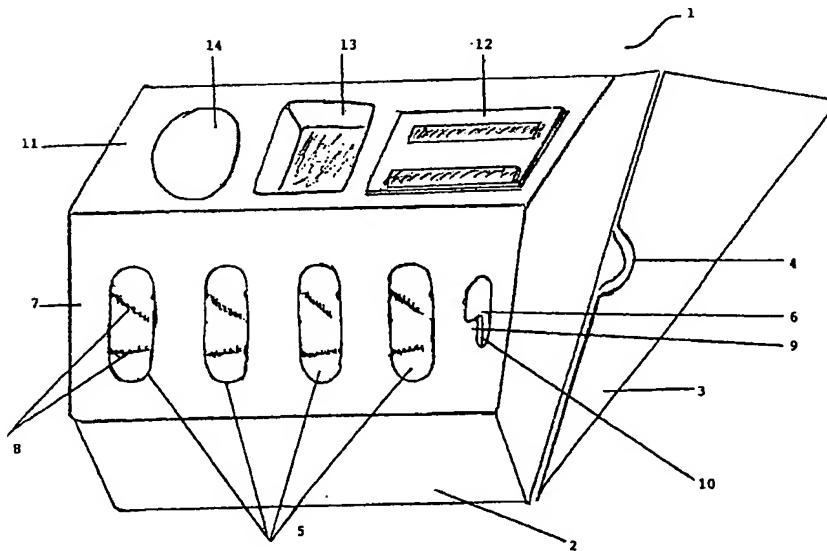
— with international search report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: HOLDER FOR SURGICAL INSTRUMENTS



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(57) Abstract: A holder for surgical instruments, said instruments being of the type having a distal portion for engagement with a patient during surgery and a proximal portion for manipulation by a surgeon, said holder comprising a body (7), a plurality of retainers (5) mounted on or in the body (7) and a separator located between adjacent retainers (5), wherein location of the distal portion of a surgical instrument in or by a retainer (5) substantially separates the distal portion of the surgical instrument against contact with the distal portion of a surgical instrument located in an adjacent retainer (5) and the distal portions of the surgical instrument being substantially enclosed by the retainer (5).

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/00705

## A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. 7: A61B 19/02 B65D 85/24

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

SEE ELECTRONIC DATABASES CONSULTED

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
AU IPC: A61B 19/00, 19/02 B65D 85/24, 83/02, 83/10. EPC: A61B 19/02H, 19/02P2

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DWPI JAPIO: A61B A61J B65D surgery operation hole aperture holster receptacle socket cavity recess well trap contain hold held retain tray case rack box housing dispense scalpel blade forceps scissor clamp sharp needle knife knives block holder

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5181609 A (SPEILMANN et al) 26 January 1993 Figures	1-3, 8-10, 14-16
Y	WO 01/08583 A1 (AESCULAP AG & CO. KG) 8 February 2001 Abstract and figures	1-3, 8-10, 14-16
Y	US 4693439 A (HAHN) 15 September 1987 Figures	1-3, 8-10, 14-16

 Further documents are listed in the continuation of Box C See patent family annex

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search  
15 July 2003

Date of mailing of the international search report

22 JUL 2003

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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/00705

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 96/39091 A1 (ORTHOFIX S.R.L) 12 December 1996 Page 5 and figure 1	1-3, 8-10, 16
Y	GB 2316857 A (KLEENEZE SEALTECH LIMITED) 11 March 1998 Page 1 line 24 to page 2 line 11, page 5 lines 16 to 26, figures	1-3, 8-10, 16
A	DE 2834474 A1 (AESCULAP-WERKE AG) 14 February 1980 Figure 3	1

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/00705

## Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos :  
because they relate to subject matter not required to be searched by this Authority, namely:
  
  
  
  
  
2.  Claims Nos : 32 to 37  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:  
  
Claims 32 to 37 recite a method of utilising an instrument during surgery, including the step of retaining the instrument in a holder according to claims 1 to 31. Since only claims 1 to 20 directly define a holder, whilst claims 25 to 31 define a retainer suitable for use in a holder of claim 1 and claims 21 to 24 define a medical sharps removal device, claims 32 to 37 are appended in an unclear manner. As a consequence these claims are effectively unsearchable.
3.  Claims Nos :  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

## Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

See extra sheet

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:  
1 to 20 and 25 to 31

Remark on Protest

The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International application No.

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**Supplemental Box**

(To be used when the space in any of Boxes I to VIII is not sufficient)

**Continuation of Box No: III**

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1 to 20 and 25 to 31 define a holder for surgical instruments characterised by there being a number of individual retaining portions mounted on a body to keep separate and retain the operating (distal) end of surgical instruments. It is considered that such a holder comprises a first "special technical feature".
2. Claims 21 to 24 are directed to a device for the removal of medical sharps with an aperture in a body to receive a sharp and a perpendicular extending lip to remove the sharp from the instrument to which it is attached. It is considered that such a sharp remover comprises a second "special technical feature".

Since the above mentioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

PCT/AU03/00705

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Patent Family Member			
US	5181609	NO	FAMILY			
WO	01/08583	EP	1200004	US	2002098138	
US	4693439	NO	FAMILY			
WO	96/39091	AU	49412/96	IT	950052	US 5881878
GB	2316857	NO	FAMILY			
DE	2834474	NO	FAMILY			

END OF ANNEX